

1 MELINDA HAAG (CABN 132612)
United States Attorney
2 DAVID R. CALLAWAY (CABN 121782)
3 Chief, Criminal Division
4 ROBIN L. HARRIS (CABN 123364)
BENJAMIN KINGSLEY (NYBN 4758389)
5 Assistant United States Attorneys

6 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
7 Telephone: (415) 436-7200
Fax: (415) 436-7234
8 robin.harris2@usdoj.gov
benjamin.kingsley@usdoj.gov

9 Attorneys for the United States

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) CASE NO. CR 14-0306 WHA
15 Plaintiff,)
16 v.) UNITED STATES' MOTION FOR AN ORDER
17 LUKE D. BRUGNARA,) PROHIBITING DEFENDANT FROM SPECIFIC
18 Defendant.) COMMENTS AT TRIAL
19 _____) Trial Date: April 27, 2015
) Pretrial Date: April 22, 2015
) Court: Hon. William Alsup

20 The government has already filed motions requesting that this Court prohibit defendant from
21 referencing his custodial status, punishment, *pro se* status, hearsay statements, prior time in custody, his
22 views of the prosecutors or motivation for the prosecution, and other inadmissible facts. Dkt. 414 at 5–
23 6. The government has also requested that this Court put in place various procedures to control
24 defendant's behavior during trial, including cutting him off when he repeatedly veers into the
25 objectionable and summarily holding him in contempt when he disobeys this Court's orders. Dkt. 411.
26 Defendant has already confirmed, in the recorded phone call to his mother that the government provided
27 to the Court last week, that he intends to disobey this Court's orders and the Rules of Evidence

1 To that end, the government supplements these motions and respectfully requests a written order
 2 explicitly forbidding defendant from addressing these and other inappropriate topics. The government
 3 requests that this order include explicit instructions that defendant cannot reference topics that the Court
 4 has or will exclude (for example, if the Court excludes evidence regarding Rose Long's arrest in
 5 Memphis). Defendant will otherwise claim that he was not so warned, or that there was a lack of clarity
 6 in this Court's rulings.

7 In addition, defendant has repeatedly attacked Rose Long using facts for which there is no
 8 evidentiary support—including that she is an alcoholic, drug user, and mentally ill, or that she is “all
 9 over the Internet for art fraud.” The government sets out below, in bold, illustrative comments
 10 defendant has made on this subject and requests that this Court order defendant from not making any of
 11 these comments, or any similar comments, at the trial unless and until the Court specifically rules
 12 otherwise:

13 “The woman is a single claimant who is **a drunk and a drug addict, who was arrested for**
 14 **assaulting a police officer in Walgreen’s.**” December 16, 2014 Tr. at 45:11.

15 “So here’s a woman that’s either inebriated with **her history of drunk driving . . .**” June 17,
 16 2014 Tr. at 47:11–47:12.

17 “[T]his woman is **on medication for mental illness . . .** you’re talking about someone who’s
 18 **mentally disturbed . . .**” April 14, 2015 Tr. at 31:23–32:1.

19 “So how can you reconcile a claim from one woman, who’s **mentally ill based upon the**
 20 **prescribed medication . . .**” April 14, 2015 Tr. at 32:16–32:17.

21 “And for **one woman who now we find out is on antipsychotic medication, who’s seriously**
 22 **mentally disturbed . . . one woman who’s mentally ill by her own doctor . . .**” April 14, 2015 Tr. at
 23 41:23–42:1.

24 “**The woman is nuts.** You know, **she’s insane.** She came to my house reeking of alcohol. She
 25 **has DUIs. She’s crazy.**” June 17, 2014 Tr. at 24:16–24:17.

26 “. . . **some crazy woman who’s all over the Internet for art fraud?**” June 17, 2014 Tr. at
 27 45:7–45:8.

“Only one crazy woman who’s arrest on film – on film, according to Mr. Babcock, for attacking the officer and filing a false prescription – which is a felony – for narcotics.” March 26, 2015 Tr. at 32:2–32:4.

Respectfully submitted,

MELINDA HAAG
United States Attorney

DATED: April 20, 2015

/s/
ROBIN L. HARRIS
BENJAMIN KINGSLEY
Assistant United States Attorneys